

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

WYETH,	)
	)
	)
Plaintiff,	)
	) Civil Action No.: 06-222 JJF
v.	)
	)
IMPAX LABORATORIES, INC.,	)
	)
Defendant.	)
_____	)

**DEFENDANT IMPAX LABORATORIES, INC.'S MOTION  
FOR THE APPOINTMENT OF A SPECIAL MASTER  
TO MANAGE DISCOVERY AND RESOLVE DISCOVERY DISPUTES**

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IMPAX LABORATORIES, Inc.

September 22, 2006

Defendant Impax Laboratories, Inc. hereby moves for the appointment of a Special Master in this case to manage discovery, to resolve discovery disputes, and to resolve disputes as to whether information qualifies for protection and as to the extent of such protection under any protective order entered in this action or under D. Del. L.R. 26.2. The grounds for this motion are set forth in Impax's Opening Brief, filed herewith. This motion is made based on this Motion, the accompanying Opening Brief filed herewith, the accompanying Proposed Order, filed herewith, the accompanying Declaration of Samuel F. Ernst, filed herewith, the papers and pleadings on file in this case, and any oral argument the Court may hear on the Motion.



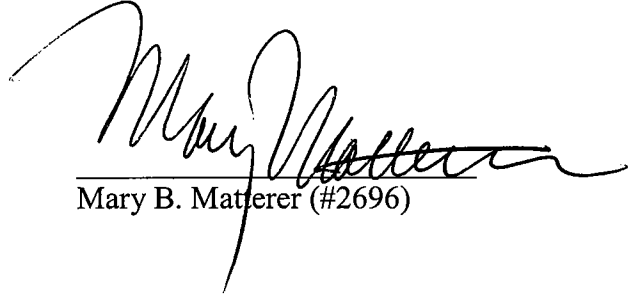
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Dated: September 22, 2006

**RULE 7.1.1 CERTIFICATION**

The undersigned certifies that counsel for plaintiffs and counterclaim defendants Wyeth has been contacted and the parties have been unable to resolve the issues presented in this Motion.



Mary B. Matterer (#2696)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

WYETH,	)	
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Plaintiff,	)	
	)	Civil Action No.: 06-222 JJF
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	)	
IMPAX LABORATORIES, INC.,	)	
	)	
Defendant.	)	
_____	)	

**ORDER**

WHEREAS, the Court having considered Defendant's Motion for the Appointment of a Special Master to Manage Discovery and Resolve Discovery Disputes and Plaintiff's response thereto;

IT IS HEREBY ORDERED this \_\_\_\_\_ day of September, 2006, that the Motion is GRANTED.

IT IS ORDERED that the above-captioned case is hereby referred to the Special Master Panel established by order of the Court dated September 15, 2004, for a Special Master to address issues relating to the parties' discovery disputes. Upon selection of a Special Master by the Panel Chair, the Court shall enter a further order appointing same.

\_\_\_\_\_  
Joseph J. Farnan, Jr.  
United States District Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on the 22<sup>nd</sup> day of September, I electronically filed the foregoing document, **DEFENDANT IMPAX LABORATORIES, INC.'S MOTION FOR THE APPOINTMENT OF A SPECIAL MASTER TO MANAGE DISCOVERY AND RESOLVE DISCOVERY DISPUTES**, with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

Jack B. Blumenfeld  
Karen Jacobs Louden  
Morris Nichols Arsht & Tunnell  
1201 N. Market Street  
Wilmington, DE 19801


Additionally, I hereby certify that on the 22<sup>nd</sup> day of September, 2006, the foregoing document was served as indicated on the following:

**VIA EMAIL AND HAND DELIVERY**

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